

campaigns, and attribute meaningful value to those campaigns. It also bolsters the business value of the Cision Communications Cloud®, our all-in-one platform for communicators.

Combining the expertise of the two companies will improve our ability to help communicators transform their overall media mix to deliver greater value and, of increasing importance, better measure the ROI of their earned media efforts. Some of the largest brands in the world rely on both Cision and PRIME to deliver on that measurement challenge.

PRIME is a global company with offices in Europe, North American and Asia-Pacific. They have over 500 clients and service some of the world's most prestigious brands such as MasterCard, Jaguar and Honda. They bring to Cision additional capabilities with respect to real-time monitoring and analysis across digital, print, TV, and online news. It also includes a wide range of social media outlets, including Twitter, Facebook, Google+, YouTube, blogs, forums, WeChat and Weibo. PRIME provides clients with a highly customizable dashboard for their news and media monitoring 24 hours a day. In addition to its global reach, PRIME has deep industry expertise across many different verticals including, automotive, retail and technology. The IP and know-how developed through gaining expertise within these verticals will be made available to all Cision customers.

Today's announcement comes on the heels of Cision's acquisition of CEDROM-SNi Inc., a firm specializing in digital media monitoring solutions. Stay tuned for future announcements that will further detail the many ways these acquisitions will benefit you as we integrate additional capabilities into the Cision Communications Cloud platform.

To learn more about the acquisition or Cision Communications Cloud, please contact us at [executivecommunications@cision.com](mailto:executivecommunications@cision.com) or visit [cision.com](http://cision.com).

***Best,***  
***Kevin Akeroyd***

**CEO, Cision**

**Cision® Acquires PRIME Research**

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130 E Randolph St. 7th Floor Chicago, IL 60601, USA

[www.cision.com](http://www.cision.com)

This email was sent to [grantham.nancy@epa.gov](mailto:grantham.nancy@epa.gov) by Cision US.

If you no longer wish to receive these emails you may [unsubscribe](#) at any time.

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Tue 12/19/2017 4:18:26 PM  
**Subject:** Fwd: Letter to Administrator Pruitt  
2017 12 19 Scott Pruitt Definers.pdf  
ATT00001.htm

Hi Nancy - FYI

-----  
Robin H Richardson  
PDAA/OCIR  
202-564-3358 (desk)  

Personal Phone / Ex. 6

 (cell)  
richardson.robinh@epa.gov

Begin forwarded message:

**From:** "Lyons, Troy" <lyons.troy@epa.gov>  
**To:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Aarons, Kyle" <Aarons.Kyle@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Yaeger, Ryan" <Yaeger.Ryan@epa.gov>, "Knapp, Kristien" <Knapp.Kristien@epa.gov>  
**Subject:** FW: Letter to Administrator Pruitt

New incoming

---

**From:** Ferrato, Margaret (Whitehouse) [mailto:Margaret\_Ferrato@whitehouse.senate.gov]  
**Sent:** Tuesday, December 19, 2017 11:10 AM  
**To:** Lyons, Troy <lyons.troy@epa.gov>  
**Cc:** Dudis, Dan (Whitehouse) <Dan\_Dudis@whitehouse.senate.gov>; Gaeta, Joe (Whitehouse) <Joe\_Gaeta@whitehouse.senate.gov>  
**Subject:** Letter to Administrator Pruitt

Hello Troy,

I hope you're well! Attached is a letter to Administrator Pruitt from Senators Whitehouse and Harris. Don't hesitate to be in touch with any questions.

Best,  
Maggie

**Margaret Ferrato**  
Associate Legislative Assistant  
Office of Senator Sheldon Whitehouse  
530 Hart Senate Office Building  
Washington, DC 20510  
(202) 224-6564

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Knapp, Kristien  
**Sent:** Fri 7/20/2018 2:47:49 PM  
**Subject:** Definers follow-up response  
[2018-06-19 Definers June Letter.pdf](#)

Hi Nancy –

Just checking in to see if 

Deliberative Process / Ex. 5

Thanks,  
Kristien

Kristien Knapp  
Legislative and Oversight Counsel  
Office of Congressional Affairs  
U.S. Environmental Protection Agency  
(202) 564-3277



**To:** Albores, Richard[Albores.Richard@epa.gov]; Gomez, Laura[Gomez.Laura@epa.gov]  
**Cc:** Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; OGC HQ ADDs[OGC\_HQ\_ADDs@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; OGC Immediate Office MGMT[OGC\_Immediate\_Office\_MGMT@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]; Moser, Rebecca[Moser.Rebecca@EPA.GOV]; Jones-Parra, Lisa[Jones-Parra.Lisa@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]  
**From:** Moody, Christina  
**Sent:** Fri 1/26/2018 9:21:12 PM  
**Subject:** RE: CONSOLIDATED RESPONSES re: 12.7.17 Environment Subcmte Hearing - DUE TODAY COB (4PM)

Thank you!

Christina J. Moody  
US Environmental Protection Agency  
Office of Congressional Affairs & Intergovernmental Relations  
[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)

**From:** Albores, Richard  
**Sent:** Friday, January 26, 2018 4:13 PM  
**To:** Moody, Christina <Moody.Christina@epa.gov>; Gomez, Laura <Gomez.Laura@epa.gov>  
**Cc:** Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; OGC HQ ADDs <OGC\_HQ\_ADDs@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; OGC Immediate Office MGMT <OGC\_Immediate\_Office\_MGMT@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>  
**Subject:** CONSOLIDATED RESPONSES re: 12.7.17 Environment Subcmte Hearing - DUE TODAY COB (4PM)

QFRs assigned to OGC as sole/joint author

Shimkus

8. OGC (Immediate Office) Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.

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Has the Agency started implementing the changes?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

How do you differentiate between the negative aspects of sue and settle [lack of transparency etc...] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?

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Deliberative Process / Ex. 5

### Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

## Blackburn

2. OP/OGC (CCILO) In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.

a. What is the status of this review?

## Deliberative Process / Ex. 5

b. What are your planned next steps?

## Deliberative Process / Ex. 5

c. What timeline do you envision for implementing the recommendations?

## Deliberative Process / Ex. 5

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## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

**Pallone**

OP/OLEM/OGC (ECRCO/CRFLO/CCILO) Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin. **Deliberative Process / Ex. 5**

1. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

# Deliberative Process / Ex. 5

OP/OLEM/OGC (ECRCO/CRFLO/CCILO) Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm. **Deliberative Process / Ex. 5**

1. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?

# Deliberative Process / Ex. 5

2. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.

# Deliberative Process / Ex. 5

3. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

# Deliberative Process / Ex. 5

OP/ OGC (ECRCO/CRFLO/CCILO) Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities. **[SEE ATTACHED DRAFT]**

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?

## Deliberative Process / Ex. 5

7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?

## Deliberative Process / Ex. 5

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### Deliberative Process / Ex. 5

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with? OP

**My calendar is publically available at:** <https://www.epa.gov/senior-leaders-calendars/calendar-scott-pruitt-administrator>

16. Will you commit to directing your senior officials to release their calendars on a regular basis?

**Calendars for senior officials are publically available.**

OEI/OGC (GLO and FEAT) We are also concerned about delays in EPA's response to FOIA requests under your administration. EPA's failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits. [SEE COMMENTS IN ATTACHED DRAFT]

17. Given the legal expenses and waste of resources caused by EPA's failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?

## Deliberative Process / Ex. 5

18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?

## Deliberative Process / Ex. 5

19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?

## Deliberative Process / Ex. 5

20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?

## Deliberative Process / Ex. 5

21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?

### Deliberative Process / Ex. 5

22. Given EPA's large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.

**The table below provides information on FOIA requests the Agency has received and closed in recent months:**

Month	Received	Closed *
January 2017	957	897
February 2017	897	818
March 2017	1180	1040
April 2017	1036	901
May 2017	1165	1007

<b>June 2017</b>	<b>1101</b>	<b>936</b>
<b>July 2017</b>	<b>962</b>	<b>795</b>
<b>August 2017</b>	<b>988</b>	<b>795</b>
<b>September 2017</b>	<b>850</b>	<b>641</b>
<b>October 2017</b>	<b>1147</b>	<b>863</b>
<b>November 2017</b>	<b>923</b>	<b>699</b>
<b>December 2017</b>	<b>724</b>	<b>444</b>

\* The table shows how many FOIAs have been received each month, and how many of those FOIAs have been closed as of January 26, 2018.

23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

**Deliberative Process / Ex. 5**

OGC/OEI (GLO) It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings. **Deliberative Process / Ex. 5**

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?

**Deliberative Process / Ex. 5**

25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

**Deliberative Process / Ex. 5**

#### **Contract with Definers Public Affairs:**

OPA/OGC (CRFLO) On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA." The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA's selection of Definers and whether the Contract was an appropriate use of taxpayer dollars. **Deliberative Process / Ex. 5**

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?

28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website [ConfirmPruitt.com](http://ConfirmPruitt.com)?



29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website [ConfirmPruitt.com](http://ConfirmPruitt.com), or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration. EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

#### Tonko

3. Advisors to the Administrator

OP/OGC (**Ethics**) On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?

OGC/ETHICS:

**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

- b. If not, what are the roles and responsibilities of Dr. Dourson?

**Deliberative Process / Ex. 5**

- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator? (**ETHICS**)

**Deliberative Process / Ex. 5**

- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

**Deliberative Process / Ex. 5**

6. OIG

OGC (**GLO or CRFLO**) The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:

“A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President’s budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President’s FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG’s original budget request, and explaining that the EPA’s submitted budget did not reflect the OIG’s desired funding levels and would have significant negative impacts on OIG operations.”

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

## Deliberative Process / Ex. 5

R

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**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200 Pennsylvania Avenue, NW \* MC2310A \* Washington, DC 20460 \* email: [albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: Personal Phone / Ex. 6

**To:** Moody, Christina[Moody.Christina@epa.gov]; Gomez, Laura[Gomez.Laura@epa.gov]  
**Cc:** Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; OGC HQ ADDs[OGC\_HQ\_ADDs@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; OGC Immediate Office MGMT[OGC\_Immediate\_Office\_MGMT@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]; Moser, Rebecca[Moser.Rebecca@EPA.GOV]; Jones-Parra, Lisa[Jones-Parra.Lisa@epa.gov]; Levine, Carolyn[Levine.Carllyn@epa.gov]  
**From:** Albores, Richard  
**Sent:** Fri 1/26/2018 9:12:44 PM  
**Subject:** CONSOLIDATED RESPONSES re: 12.7.17 Environment Subcmte Hearing - DUE TODAY COB (4PM)  
[NRMP Response to Q24 and Q25 OGC cmts\\_rj.docx](#)  
[EJ QFRs \(002\).mmo \(006\).docx](#)  
[FOIA QFRs from 12-7-2017 House Env Subcomm - Draft 1-26 V3.docx](#)

**QFRs assigned to OGC as sole/joint author**

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8. OGC (Immediate Office) Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.

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**Deliberative Process / Ex. 5**

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# Deliberative Process / Ex. 5

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**Deliberative Process / Ex. 5**

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Deliberative Process / Ex. 5

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with? OP

**My calendar is publically available at:** <https://www.epa.gov/senior-leaders-calendars/calendar-scott-pruitt-administrator>

16. Will you commit to directing your senior officials to release their calendars on a regular basis?

**Calendars for senior officials are publically available.**

OEI/OGC (GLO and FEAT) We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

Deliberative Process / Ex. 5

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?

## Deliberative Process / Ex. 5

18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further



## Deliberative Process / Ex. 5

19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?

## Deliberative Process / Ex. 5

20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?

## Deliberative Process / Ex. 5

21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?

### Deliberative Process / Ex. 5

22. Given EPA's large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.

**The table below provides information on FOIA requests the Agency has received and closed in recent months:**

| Month          | Received | Closed * |
|----------------|----------|----------|
| January 2017   | 957      | 897      |
| February 2017  | 897      | 818      |
| March 2017     | 1180     | 1040     |
| April 2017     | 1036     | 901      |
| May 2017       | 1165     | 1007     |
| June 2017      | 1101     | 936      |
| July 2017      | 962      | 795      |
| August 2017    | 988      | 795      |
| September 2017 | 850      | 641      |
| October 2017   | 1147     | 863      |
| November 2017  | 923      | 699      |
| December 2017  | 724      | 444      |

\* The table shows how many FOIAs have been received each month, and how many of those FOIAs have been closed as of January 26, 2018.

23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

## Deliberative Process / Ex. 5

OGC/OEI (GLO) It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings. **Deliberative Process / Ex. 5**

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?

## Deliberative Process / Ex. 5

25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

## Deliberative Process / Ex. 5

### Contract with Definers Public Affairs:

OPA/OGC (CRFLO) On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA." The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA's selection of Definers and whether the Contract was an appropriate use of taxpayer dollars. **Deliberative Process / Ex. 5**

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?

28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website [ConfirmPruitt.com](http://ConfirmPruitt.com)?

29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website [ConfirmPruitt.com](http://ConfirmPruitt.com), or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?

30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration. EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.

32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda

**Tonko**

3. Advisors to the Administrator

OP/OGC (**Ethics**) On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?

**Deliberative Process / Ex. 5**

- b. If not, what are the roles and responsibilities of Dr. Dourson?

**Deliberative Process / Ex. 5**

- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator? (**ETHICS**)

**Deliberative Process / Ex. 5**

- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that “a perception or an appearance of a lack of independence in advising the Agency.” Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck’s involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

**Deliberative Process / Ex. 5**

6. **OIG**

OGC (**GLO or CRFLO**) The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG’s independence. From that report:

“A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President’s budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President’s FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG’s original budget request, and explaining that the EPA’s submitted budget did not reflect the OIG’s desired funding levels and would have significant negative impacts on OIG operations.”

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

**Deliberative Process / Ex. 5**

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**RICHARD L. ALBORES**

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**Attachment—Additional Questions for the Record**

**The Honorable John Shimkus**

1. **OECA** This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.
  - a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?
  - b. Is EPA pursuing any of these efforts?
2. **OAR** The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated “biogenic” CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word “biogenic.”
  - a. Do you intend to look at this interpretation of the Endangerment Finding?
  - b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?
3. **OAR** On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."
  - a. What steps are being taken to update this policy?
  - b. Does the Agency have a timeline for this process?
4. There has been concern that EPA’s regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?

**DRAFT RESPONSE:**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

5. **OLEM** The Administration’s budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. **OLEM** On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?
7. **OLEM** EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the \$115 million project?
  - a. Does EPA have a plan to address the leaking cap in the meantime?
  - b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?
8. **OGC** Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.
  - a. As you noted in your statement about the new policy, “‘sue and settle’ cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.” Has the Agency started implementing the changes?
  - b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy “discourages settlements when they would have been appropriate and increases agency costs?”
  - c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc. . .] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?
9. **OLEM** When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?



- a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?
  - b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?
  - c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?
10. **OLEM/OGC** How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?
11. **OLOEM** How will EPA build consistency into how the Regions manage CERCLA cleanups?
12. **OLOEM** What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?
13. **OLOEM** The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than \$50 million must receive approval from the Administrator, which will help promote regional accountability.
  - a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?
  - b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency’s 2005 Sediment Guidance and the National Contingency Plan?
  - b. Since many of the Task Force’s recommendations require further action, what is your timeline and plan for next steps?

**The Honorable David McKinley**

1. **OAR** Mr. Administrator - when EPA finalized the “coal ash” regulations, they adopted in the self-implementing rule a “one-size-fits-all” approach that does not allow for the consideration of site specific, risk-based factors.

I appreciate that EPA has committed to reconsider elements of the rule. The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

- a. Can you provide an update on how this process is going?
2. **OP/OAR** As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator “shall conduct continuing evaluation of potential loss or shifts in employment...”
  - a. What are your plans for implementing this provision? What can you tell us about your timeline?
  - b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?
3. **OAR** Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

Congress has clearly stated its intent regarding this.

- a. What is the agency doing to address streamlining and improving the hardship petition process?
4. **OAR** Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress’ recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or “coal ash” – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

- a. Can we get some assurances from you that the agency will accelerate this process?
5. **OAR** The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?”

**The Honorable Marsha Blackburn**

1. **OAR** An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of \$512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration’s meritless and radical position.
  - a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?
  - b. What can we do as a legislative body to ensure future abuses such as these do not take place again?
  - c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?
2. **OP/OGC** In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.
  - a. What is the status of this review?
  - b. What are your planned next steps?
  - c. What timeline do you envision for implementing the recommendations?
3. **OAR** On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS’ impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

### **The Honorable Gregg Harper**

1. **OLEM** Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?
2. **OW** In the 113<sup>th</sup> Congress, EPA was provided discretion over the allocation of approximately \$12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker’s companion bill was signed into law in 2015. I appreciate EPA’s July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

### **The Honorable Bill Johnson**

1. **OAR** As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, “NSR creates an unnecessary burden that discourages... investments in efficiency because of the additional expenditures and delays associated with the permitting process”.
  - a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?
  - b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

- c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

**The Honorable Kevin Cramer**

1. **OAR** After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.
  - a. Does the current statute have a specific requirements for corn-based ethanol until 2022?
  - b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
  - c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
2. **OAR** The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?
  - a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?
3. **OAR** The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.
  - a. Where does this proposal currently stand?
  - b. Is the EPA planning to continue to finalize the REGS Rule?
4. **OAR** A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.
  - a. Can automakers now certify their engines on these fuels?
  - b. If not, why not? If so, what is the process?

### **The Honorable Tim Walberg**

1. **OLEM** Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.
  - a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?
2. **OCSPP** At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?
3. **OW** The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?
4. **OAR** In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

### **The Honorable Buddy Carter**

1. **OAR** The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.
2. **OLEM** Which recommendations from the Super Fund Task Force have been implemented?
3. **OLEM** The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?
4. **OLEM** In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?



5. **OLEM** This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

**The Honorable Michael Burgess**

1. **OGC/OECA** In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?
2. **OP** Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?
3. **OLEM/OECA/OGC** I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?
4. **OARM** EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?
  - a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?
  - b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?
  - c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?
  - d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?
  - e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

**The Honorable Frank Pallone**

**Superfund:**

**OLEM** During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

**Environmental Justice:**

**OP/OLEM** Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

**OP/OLEM** Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?
4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.
5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

**OP/OGC** Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?
7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?

8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?
9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?
10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

#### **Management of Toxic Pesticides:**

11. **OCSPP** Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal *Regulatory Toxicology and Pharmacology*, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?
12. **OCSPP** Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?
13. **OCSPP** In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO<sup>1</sup> that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.<sup>2</sup> Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.
14. **OCSPP** EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

#### **Transparency:**

**OP/OGC** Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the

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<sup>1</sup> U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

<sup>2</sup> Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) ([http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r\\_b\\_12913458.html](http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html))

public should be “fully aware of [top officials’] contacts with interested persons.” In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials. EPA has recently provided the public with a “summary” of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?
16. Will you commit to directing your senior officials to release their calendars on a regular basis?

**OEI/OGC** We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?
18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?
19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?
20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?
21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?
22. Given EPA’s large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.
23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

**OGC** It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide

internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?
25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

**Contract with Definers Public Affairs:**

**OPA/OGC** On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>3</sup> The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.
27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

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<sup>3</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>4</sup> EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

**Enforcement:**

**OECA** As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?
35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?
36. Have you been asked by anyone in industry to change EPA's enforcement policies?
37. If so, please describe those conversations.
38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

**Co-Benefits of Air Rules:**

**OGC** You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?
40. Why or why not?

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<sup>4</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

41. Are you planning to seek legal review of this matter?
42. Are you planning to try to change the way co-benefits, like PM2.5, are counted or considered in EPA rulemakings?
43. If so, why and what evidence do you have to support such a change?

**Ozone:**

**OAR** For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to “information that has not been provided by the states.”

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?
45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.
46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.
47. The Unified Regulatory Agenda included a reference to using “additional time afforded by the designations extension to finalize necessary guidance” related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.
  - a. Can you clarify what “extension” this refers to in the Unified Agenda?
  - b. Why would EPA need an extension to issue remaining designations?
48. When can we expect EPA to issue the remaining designations?
49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

**Climate Change:**

50. **OAR** Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the “best system of emission reduction” for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

**OAR** At the hearing you questioned the integrity of the rulemaking that led up to EPA’s December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit’s decision?

**OAR** You recently stated that you intend to move forward imminently with a so-called “red team” exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration’s Global Change Research Program released a “Climate Science Special Report” confirming that human activities are “the dominant cause” of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the “red team” exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

**Budget:**

**OCFO** It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”

53. Is EPA also barred from using “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” or “science-based,” in official budget documents?
54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

**OCFO/OARM** EPA has been experiencing a workforce reduction, including through the use of buy-outs.



55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?
56. In what offices and programs have net reductions occurred?
57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.
58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?
59. In which programs and offices are reductions planned?
60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

### **The Honorable Paul Tonko**

#### **1. Travel to Morocco**

**OP** On December 12, EPA issued a press release, “Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco.” While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

- a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.
- b. How does promoting U.S. LNG exports fit into your “Back to Basics” agenda?
- c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?
- d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.
- e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

#### **2. Science at EPA**

**ORD/OAR** In the draft FY 2018-2022 EPA Strategic Plan, you have promised to “prioritize robust science.” Under Objective 3.3 of the draft plan, you say that “EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions.”

- a. Do you commit to ensuring that the EPA's actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment (also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?
- b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century... For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?
- c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?
- d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?
- e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?
- f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

### 3. **Advisors to the Administrator**

**OP/OGC** On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?
- b. If not, what are the roles and responsibilities of Dr. Dourson?
- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?
- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

### 4. **Enforcement Actions and Monitoring**

**OCFO** On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

- a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

## **5. Hudson River Superfund Site**

**OLEM** The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

- a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

## **6. OIG**

**OGC** The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:

"A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

## **7. IRIS**

- a. **ORD** How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?
- b. **ORD** Will you commit to fully supporting the IRIS program?

**The Honorable Diana DeGette**

1. **OAR** Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states “the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children.”
  - a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
  - b. What are the estimated costs of the health impact on children?
2. **OCSPP** During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.
  - a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?
  - b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?
  - c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?
3. **OLEM** In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the “Chemical Disaster Rule”) to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.
  - a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders

cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

- b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?
- 4. **OW/OCSPP** The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
  - a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?
  - b. Will molybdenum be part of the Regulatory Determination 4 process going forward?
- 5. **OLEM** For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.
  - a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for “immediate, intense action.” Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?
  - b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested “tens of millions of dollars” in the cleanup compared to less than \$5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?
  - c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is \$1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA’s long-term plan for the plant costs?
  - d. What is the status of finding a permanent solution for the waste sludge from the plant?

**The Honorable Jerry McNerney**

1. **OAR** At the December 7<sup>th</sup> hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

## Attachment—Additional Questions for the Record

### The Honorable John Shimkus

1. **OECA** This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.
  - a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?
  - b. Is EPA pursuing any of these efforts?
2. **OAR** The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated “biogenic” CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word “biogenic.”
  - a. Do you intend to look at this interpretation of the Endangerment Finding?
  - b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?
3. **OAR** On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."
  - a. What steps are being taken to update this policy?
  - b. Does the Agency have a timeline for this process?
4. There has been concern that EPA’s regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?

**DRAFT RESPONSE:**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

5. **OLEM** The Administration’s budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. **OLEM** On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?
7. **OLEM** EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the \$115 million project?
  - a. Does EPA have a plan to address the leaking cap in the meantime?
  - b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?
8. **OGC** Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.
  - a. As you noted in your statement about the new policy, “‘sue and settle’ cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.” Has the Agency started implementing the changes?
  - b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy “discourages settlements when they would have been appropriate and increases agency costs?”
  - c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc. . .] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?
9. **OLEM** When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?



- a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?
  - b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?
  - c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?
10. **OLEM/OGC** How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?
11. **OLOEM** How will EPA build consistency into how the Regions manage CERCLA cleanups?
12. **OLOEM** What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?
13. **OLOEM** The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than \$50 million must receive approval from the Administrator, which will help promote regional accountability.
  - a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?
  - b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency’s 2005 Sediment Guidance and the National Contingency Plan?
  - b. Since many of the Task Force’s recommendations require further action, what is your timeline and plan for next steps?

**The Honorable David McKinley**

1. **OAR** Mr. Administrator - when EPA finalized the “coal ash” regulations, they adopted in the self-implementing rule a “one-size-fits-all” approach that does not allow for the consideration of site specific, risk-based factors.

I appreciate that EPA has committed to reconsider elements of the rule. The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

- a. Can you provide an update on how this process is going?
2. **OP/OAR** As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator “shall conduct continuing evaluation of potential loss or shifts in employment...”
  - a. What are your plans for implementing this provision? What can you tell us about your timeline?
  - b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?
3. **OAR** Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

Congress has clearly stated its intent regarding this.

- a. What is the agency doing to address streamlining and improving the hardship petition process?
4. **OAR** Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress’ recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or “coal ash” – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

- a. Can we get some assurances from you that the agency will accelerate this process?
5. **OAR** The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?”

**The Honorable Marsha Blackburn**

1. **OAR** An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of \$512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration’s meritless and radical position.
  - a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?
  - b. What can we do as a legislative body to ensure future abuses such as these do not take place again?
  - c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?
2. **OP/OGC** In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.
  - a. What is the status of this review?
  - b. What are your planned next steps?
  - c. What timeline do you envision for implementing the recommendations?
3. **OAR** On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS’ impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

### **The Honorable Gregg Harper**

1. **OLEM** Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?
2. **OW** In the 113<sup>th</sup> Congress, EPA was provided discretion over the allocation of approximately \$12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker’s companion bill was signed into law in 2015. I appreciate EPA’s July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

### **The Honorable Bill Johnson**

1. **OAR** As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, “NSR creates an unnecessary burden that discourages... investments in efficiency because of the additional expenditures and delays associated with the permitting process”.
  - a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?
  - b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

- c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

**The Honorable Kevin Cramer**

1. **OAR** After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.
  - a. Does the current statute have a specific requirements for corn-based ethanol until 2022?
  - b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
  - c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
2. **OAR** The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?
  - a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?
3. **OAR** The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.
  - a. Where does this proposal currently stand?
  - b. Is the EPA planning to continue to finalize the REGS Rule?
4. **OAR** A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.
  - a. Can automakers now certify their engines on these fuels?
  - b. If not, why not? If so, what is the process?

### **The Honorable Tim Walberg**

1. **OLEM** Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.
  - a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?
2. **OCSPP** At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?
3. **OW** The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?
4. **OAR** In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

### **The Honorable Buddy Carter**

1. **OAR** The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.
2. **OLEM** Which recommendations from the Super Fund Task Force have been implemented?
3. **OLEM** The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?
4. **OLEM** In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?

5. **OLEM** This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

**The Honorable Michael Burgess**

1. **OGC/OECA** In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?
2. **OP** Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?
3. **OLEM/OECA/OGC** I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?
4. **OARM** EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?
  - a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?
  - b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?
  - c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?
  - d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?
  - e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

**The Honorable Frank Pallone**

**Superfund:**

**OLEM** During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

**Environmental Justice:**

**OP/OLEM** Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

**OP/OLEM** Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?
4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.
5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

**OP/OGC** Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?
7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?



8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?
9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?
10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

#### **Management of Toxic Pesticides:**

11. **OCSPP** Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal *Regulatory Toxicology and Pharmacology*, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?
12. **OCSPP** Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?
13. **OCSPP** In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO<sup>1</sup> that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.<sup>2</sup> Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.
14. **OCSPP** EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

#### **Transparency:**

**OP/OGC** Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the

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<sup>1</sup> U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

<sup>2</sup> Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) ([http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r\\_b\\_12913458.html](http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html))

public should be “fully aware of [top officials’] contacts with interested persons.” In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials. EPA has recently provided the public with a “summary” of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?
16. Will you commit to directing your senior officials to release their calendars on a regular basis?

**OEI/OGC** We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?
18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?
19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?
20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?
21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?
22. Given EPA’s large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.
23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

**OGC** It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide

internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?
25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

**Contract with Definers Public Affairs:**

**OPA/OGC** On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>3</sup> The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.
27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

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<sup>3</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>4</sup> EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

**Enforcement:**

**OECA** As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?
35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?
36. Have you been asked by anyone in industry to change EPA's enforcement policies?
37. If so, please describe those conversations.
38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

**Co-Benefits of Air Rules:**

**OGC** You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?
40. Why or why not?

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<sup>4</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

41. Are you planning to seek legal review of this matter?
42. Are you planning to try to change the way co-benefits, like PM2.5, are counted or considered in EPA rulemakings?
43. If so, why and what evidence do you have to support such a change?

**Ozone:**

**OAR** For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to “information that has not been provided by the states.”

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?
45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.
46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.
47. The Unified Regulatory Agenda included a reference to using “additional time afforded by the designations extension to finalize necessary guidance” related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.
  - a. Can you clarify what “extension” this refers to in the Unified Agenda?
  - b. Why would EPA need an extension to issue remaining designations?
48. When can we expect EPA to issue the remaining designations?
49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

**Climate Change:**

50. **OAR** Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the “best system of emission reduction” for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

**OAR** At the hearing you questioned the integrity of the rulemaking that led up to EPA’s December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit’s decision?

**OAR** You recently stated that you intend to move forward imminently with a so-called “red team” exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration’s Global Change Research Program released a “Climate Science Special Report” confirming that human activities are “the dominant cause” of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the “red team” exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

**Budget:**

**OCFO** It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”

53. Is EPA also barred from using “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” or “science-based,” in official budget documents?
54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

**OCFO/OARM** EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?
56. In what offices and programs have net reductions occurred?
57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.
58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?
59. In which programs and offices are reductions planned?
60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

### **The Honorable Paul Tonko**

#### **1. Travel to Morocco**

**OP** On December 12, EPA issued a press release, “Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco.” While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

- a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.
- b. How does promoting U.S. LNG exports fit into your “Back to Basics” agenda?
- c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?
- d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.
- e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

#### **2. Science at EPA**

**ORD/OAR** In the draft FY 2018-2022 EPA Strategic Plan, you have promised to “prioritize robust science.” Under Objective 3.3 of the draft plan, you say that “EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions.”

- a. Do you commit to ensuring that the EPA's actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment (also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?
- b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century... For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?
- c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?
- d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?
- e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?
- f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

### 3. **Advisors to the Administrator**

**OP/OGC** On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?
- b. If not, what are the roles and responsibilities of Dr. Dourson?
- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?
- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

### 4. **Enforcement Actions and Monitoring**



**OCFO** On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

- a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

## 5. **Hudson River Superfund Site**

**OLEM** The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

- a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

## 6. **OIG**

**OGC** The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:

"A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

## 7. **IRIS**

- a. **ORD** How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?
- b. **ORD** Will you commit to fully supporting the IRIS program?

**The Honorable Diana DeGette**

1. **OAR** Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states “the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children.”
  - a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
  - b. What are the estimated costs of the health impact on children?
2. **OCSPP** During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.
  - a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?
  - b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?
  - c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?
3. **OLEM** In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the “Chemical Disaster Rule”) to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.
  - a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders

cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

- b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?
4. **OW/OCSPP** The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
- a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?
  - b. Will molybdenum be part of the Regulatory Determination 4 process going forward?
5. **OLEM** For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.
- a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for “immediate, intense action.” Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?
  - b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested “tens of millions of dollars” in the cleanup compared to less than \$5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?
  - c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is \$1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA’s long-term plan for the plant costs?
  - d. What is the status of finding a permanent solution for the waste sludge from the plant?

**The Honorable Jerry McNerney**

1. **OAR** At the December 7<sup>th</sup> hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

**From:** Aarons, Kyle  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** Oversight letter on Definers Public Affairs  
**Start Time:** Wed 12/20/2017 2:00:00 PM  
**End Time:** Wed 12/20/2017 2:30:00 PM  
**Required Attendees:** Lyons, Troy; Palich, Christian; Grantham, Nancy; Youngblood, Charlotte; Williams, LaShawn; Frye, Tony (Robert)

[Whitehouse News Analysis 12-19-17.pdf](#)

Hi all – This meeting is to discuss our response to the attached oversight letter from Senate EPW on Definers Public Affairs. I understand the contract at issue is no longer in place, but I assume the committee will still want a response.

Thanks,  
Kyle

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Greg D'Andrea  
**Sent:** Wed 12/27/2017 8:04:50 PM  
**Subject:** Re: Cision® acquires PRIME Research, enhancing Cision Communications Cloud® capabilities

Sure thing Nancy. When do you have time to discuss this week? I'm in both tomorrow and Friday.

Greg D'Andrea  
Account Director  
p 203.506.7178  
greg.dandrea@cision.com  
CISION

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**From:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Sent:** Tuesday, December 26, 2017 4:22:30 PM  
**To:** Greg D'Andrea  
**Subject:** FW: Cision® acquires PRIME Research, enhancing Cision Communications Cloud® capabilities

Let's discuss when we connect later this week.

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6 (mobile)

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**From:** Grantham, Nancy  
**Sent:** Tuesday, December 26, 2017 11:34 AM  
**To:** Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>  
**Subject:** FW: Cision® acquires PRIME Research, enhancing Cision Communications Cloud® capabilities

This is good news as they include real time monitoring which was a feature of definers.

Thanks ng

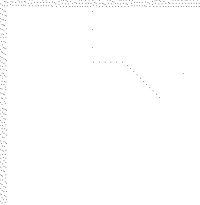
**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6 (mobile)

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**From:** Kevin Akeroyd [mailto:executivecommunications@cision.com]  
**Sent:** Tuesday, December 26, 2017 11:30 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Cision® acquires PRIME Research, enhancing Cision Communications Cloud® capabilities





## Cision® Acquires PRIME Research

Hello Nancy,

I am excited to announce that *Cision® has signed a definitive agreement to acquire PRIME Research*, a global leader in media measurement services – enhancing Cision's role as a leader of software and services for communications professionals. This acquisition furthers Cision's goal of becoming the one-stop provider for brands who want to identify their ideal influencers, craft engaging campaigns, and attribute meaningful value to those campaigns. It also bolsters the business value of the Cision Communications Cloud®, our all-in-one platform for communicators.

Combining the expertise of the two companies will improve our ability to help communicators transform their overall media mix to deliver greater value and, of increasing importance, better measure the ROI of their earned media efforts. Some of the largest brands in the world rely on both Cision and PRIME to deliver on that measurement challenge.

PRIME is a global company with offices in Europe, North American and Asia-Pacific. They have over 500 clients and service some of the world's most prestigious brands such as MasterCard, Jaguar and Honda. They bring to Cision additional capabilities with respect to real-time monitoring and analysis across digital, print, TV, and



online news. It also includes a wide range of social media outlets, including Twitter, Facebook, Google+, YouTube, blogs, forums, WeChat and Weibo. PRIME provides clients with a highly customizable dashboard for their news and media monitoring 24 hours a day. In addition to its global reach, PRIME has deep industry expertise across many different verticals including, automotive, retail and technology. The IP and know-how developed through gaining expertise within these verticals will be made available to all Cision customers.

Today's announcement comes on the heels of Cision's acquisition of CEDROM-SNi Inc., a firm specializing in digital media monitoring solutions. Stay tuned for future announcements that will further detail the many ways these acquisitions will benefit you as we integrate additional capabilities into the Cision Communications Cloud platform.

To learn more about the acquisition or Cision Communications Cloud, please contact us at [executivecommunications@cision.com](mailto:executivecommunications@cision.com) or visit [cision.com](http://cision.com).

***Best,***  
***Kevin Akeroyd***  
***CEO, Cision***

**Cision® Acquires PRIME Research**

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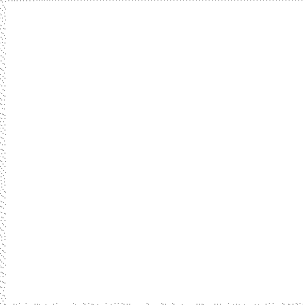
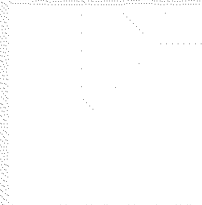
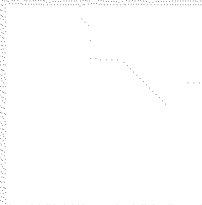
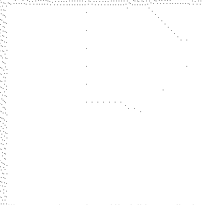
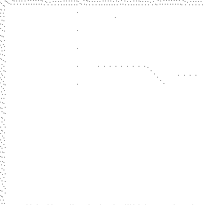
130 E Randolph St. 7th Floor Chicago, IL 60601, USA

[www.cision.com](http://www.cision.com)

This email was sent to [grantham.nancy@epa.gov](mailto:grantham.nancy@epa.gov) by Cision US.

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## Attachment—Additional Questions for the Record

### The Honorable John Shimkus

1. **OECA** This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.
  - a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?
  - b. Is EPA pursuing any of these efforts?
2. **OAR** The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated “biogenic” CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word “biogenic.”
  - a. Do you intend to look at this interpretation of the Endangerment Finding?
  - b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?
3. **OAR** On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."
  - a. What steps are being taken to update this policy?
  - b. Does the Agency have a timeline for this process?
4. There has been concern that EPA’s regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?

**DRAFT RESPONSE:**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

5. **OLEM** The Administration’s budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. **OLEM** On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?
7. **OLEM** EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the \$115 million project?
  - a. Does EPA have a plan to address the leaking cap in the meantime?
  - b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?
8. **OGC** Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.
  - a. As you noted in your statement about the new policy, “‘sue and settle’ cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.” Has the Agency started implementing the changes?
  - b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy “discourages settlements when they would have been appropriate and increases agency costs?”
  - c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc. . .] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?
9. **OLEM** When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?

- a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?
  - b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?
  - c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?
10. **OLEM/OGC** How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?
11. **OLOEM** How will EPA build consistency into how the Regions manage CERCLA cleanups?
12. **OLOEM** What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?
13. **OLOEM** The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than \$50 million must receive approval from the Administrator, which will help promote regional accountability.
  - a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?
  - b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency’s 2005 Sediment Guidance and the National Contingency Plan?
  - b. Since many of the Task Force’s recommendations require further action, what is your timeline and plan for next steps?

**The Honorable David McKinley**

1. **OAR** Mr. Administrator - when EPA finalized the “coal ash” regulations, they adopted in the self-implementing rule a “one-size-fits-all” approach that does not allow for the consideration of site specific, risk-based factors.

I appreciate that EPA has committed to reconsider elements of the rule. The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

- a. Can you provide an update on how this process is going?
2. **OP/OAR** As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator “shall conduct continuing evaluation of potential loss or shifts in employment...”
  - a. What are your plans for implementing this provision? What can you tell us about your timeline?
  - b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?
3. **OAR** Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

Congress has clearly stated its intent regarding this.

- a. What is the agency doing to address streamlining and improving the hardship petition process?
4. **OAR** Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress’ recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or “coal ash” – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

- a. Can we get some assurances from you that the agency will accelerate this process?
5. **OAR** The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?”

**The Honorable Marsha Blackburn**

1. **OAR** An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of \$512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration’s meritless and radical position.
  - a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?
  - b. What can we do as a legislative body to ensure future abuses such as these do not take place again?
  - c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?
2. **OP/OGC** In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.
  - a. What is the status of this review?
  - b. What are your planned next steps?
  - c. What timeline do you envision for implementing the recommendations?
3. **OAR** On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS’ impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

### **The Honorable Gregg Harper**

1. **OLEM** Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?
2. **OW** In the 113<sup>th</sup> Congress, EPA was provided discretion over the allocation of approximately \$12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker’s companion bill was signed into law in 2015. I appreciate EPA’s July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

### **The Honorable Bill Johnson**

1. **OAR** As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, “NSR creates an unnecessary burden that discourages... investments in efficiency because of the additional expenditures and delays associated with the permitting process”.
  - a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?
  - b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

- c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

**The Honorable Kevin Cramer**

1. **OAR** After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.
  - a. Does the current statute have a specific requirements for corn-based ethanol until 2022?
  - b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
  - c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
2. **OAR** The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?
  - a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?
3. **OAR** The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.
  - a. Where does this proposal currently stand?
  - b. Is the EPA planning to continue to finalize the REGS Rule?
4. **OAR** A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.
  - a. Can automakers now certify their engines on these fuels?
  - b. If not, why not? If so, what is the process?



### **The Honorable Tim Walberg**

1. **OLEM** Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.
  - a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?
2. **OCSPP** At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?
3. **OW** The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?
4. **OAR** In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

### **The Honorable Buddy Carter**

1. **OAR** The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.
2. **OLEM** Which recommendations from the Super Fund Task Force have been implemented?
3. **OLEM** The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?
4. **OLEM** In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?

5. **OLEM** This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

**The Honorable Michael Burgess**

1. **OGC/OECA** In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?
2. **OP** Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?
3. **OLEM/OECA/OGC** I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?
4. **OARM** EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?
  - a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?
  - b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?
  - c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?
  - d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?
  - e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

**The Honorable Frank Pallone**

**Superfund:**

**OLEM** During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

**Environmental Justice:**

**OP/OLEM** Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

**OP/OLEM** Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?
4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.
5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

**OP/OGC** Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?
7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?

8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?
9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?
10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

#### **Management of Toxic Pesticides:**

11. **OCSPP** Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal *Regulatory Toxicology and Pharmacology*, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?
12. **OCSPP** Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?
13. **OCSPP** In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO<sup>1</sup> that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.<sup>2</sup> Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.
14. **OCSPP** EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

#### **Transparency:**

**OP/OGC** Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the

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<sup>1</sup> U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

<sup>2</sup> Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) ([http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r\\_b\\_12913458.html](http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html))

public should be “fully aware of [top officials’] contacts with interested persons.” In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials. EPA has recently provided the public with a “summary” of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?
16. Will you commit to directing your senior officials to release their calendars on a regular basis?

**OEI/OGC** We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?
18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?
19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?
20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?
21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?
22. Given EPA’s large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.
23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

**OGC** It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide

internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?
25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

**Contract with Definers Public Affairs:**

**OPA/OGC** On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>3</sup> The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.
27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

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<sup>3</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>4</sup> EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

**Enforcement:**

**OECA** As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?
35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?
36. Have you been asked by anyone in industry to change EPA's enforcement policies?
37. If so, please describe those conversations.
38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

**Co-Benefits of Air Rules:**

**OGC** You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?
40. Why or why not?

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<sup>4</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

41. Are you planning to seek legal review of this matter?
42. Are you planning to try to change the way co-benefits, like PM2.5, are counted or considered in EPA rulemakings?
43. If so, why and what evidence do you have to support such a change?

**Ozone:**

**OAR** For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to “information that has not been provided by the states.”

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?
45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.
46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.
47. The Unified Regulatory Agenda included a reference to using “additional time afforded by the designations extension to finalize necessary guidance” related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.
  - a. Can you clarify what “extension” this refers to in the Unified Agenda?
  - b. Why would EPA need an extension to issue remaining designations?
48. When can we expect EPA to issue the remaining designations?
49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

**Climate Change:**



50. **OAR** Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the “best system of emission reduction” for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

**OAR** At the hearing you questioned the integrity of the rulemaking that led up to EPA’s December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit’s decision?

**OAR** You recently stated that you intend to move forward imminently with a so-called “red team” exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration’s Global Change Research Program released a “Climate Science Special Report” confirming that human activities are “the dominant cause” of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the “red team” exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

**Budget:**

**OCFO** It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”

53. Is EPA also barred from using “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” or “science-based,” in official budget documents?
54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

**OCFO/OARM** EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?
56. In what offices and programs have net reductions occurred?
57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.
58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?
59. In which programs and offices are reductions planned?
60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

### **The Honorable Paul Tonko**

#### **1. Travel to Morocco**

**OP** On December 12, EPA issued a press release, “Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco.” While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

- a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.
- b. How does promoting U.S. LNG exports fit into your “Back to Basics” agenda?
- c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?
- d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.
- e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

#### **2. Science at EPA**

**ORD/OAR** In the draft FY 2018-2022 EPA Strategic Plan, you have promised to “prioritize robust science.” Under Objective 3.3 of the draft plan, you say that “EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions.”

- a. Do you commit to ensuring that the EPA's actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment (also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?
- b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century... For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?
- c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?
- d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?
- e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?
- f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

### 3. **Advisors to the Administrator**

**OP/OGC** On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?
- b. If not, what are the roles and responsibilities of Dr. Dourson?
- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?
- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

### 4. **Enforcement Actions and Monitoring**

**OCFO** On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

- a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

## **5. Hudson River Superfund Site**

**OLEM** The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

- a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

## **6. OIG**

**OGC** The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:

"A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

## **7. IRIS**

- a. **ORD** How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?
- b. **ORD** Will you commit to fully supporting the IRIS program?

**The Honorable Diana DeGette**

1. **OAR** Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states “the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children.”
  - a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
  - b. What are the estimated costs of the health impact on children?
2. **OCSPP** During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.
  - a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?
  - b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?
  - c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?
3. **OLEM** In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the “Chemical Disaster Rule”) to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.
  - a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders

cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

- b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?
- 4. **OW/OCSPP** The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
  - a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?
  - b. Will molybdenum be part of the Regulatory Determination 4 process going forward?
- 5. **OLEM** For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.
  - a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for “immediate, intense action.” Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?
  - b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested “tens of millions of dollars” in the cleanup compared to less than \$5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?
  - c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is \$1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA’s long-term plan for the plant costs?
  - d. What is the status of finding a permanent solution for the waste sludge from the plant?

**The Honorable Jerry McNerney**

1. **OAR** At the December 7<sup>th</sup> hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Moody, Christina[Moody.Christina@epa.gov]; Gomez, Laura[Gomez.Laura@epa.gov]  
**From:** Knapp, Kristien  
**Sent:** Mon 1/29/2018 2:55:03 PM  
**Subject:** RE: Carper - Definers response  
[Whitehouse News Analysis 1-29-18.docx](#)

Nancy – this is a clean version of the draft we’re currently working with. As a result of OGC’s review, we’ve **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5** Is OPA OK with us moving forward with this version? For signature later today.

Thanks,  
Kristien

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**From:** Grantham, Nancy  
**Sent:** Monday, January 29, 2018 6:53 AM  
**To:** Moody, Christina <Moody.Christina@epa.gov>; Gomez, Laura <Gomez.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>  
**Subject:** FW: Carper - Definers response

Per my earlier message

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6 (mobile)**

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**From:** Knapp, Kristien  
**Sent:** Friday, January 26, 2018 7:12 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** FW: Carper - Definers response

You may be able to ignore these earlier questions! IF you are OK with **Deliberative Process / Ex. 5**  
See the attached clean version for what that would look like. Also, I’m attaching a redline from OGC. If you have a few minutes early on Monday, it would be good to talk through the draft **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

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**From:** Knapp, Kristien  
**Sent:** Friday, January 26, 2018 6:05 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Carper - Definers response

Nancy –

I’m working through OGC comments on the Definers response, which we’re trying to get out on Monday. I have a couple questions and wonder if you can help me get the answers.

- **Deliberative Process / Ex. 5**

I know OARM can also help with these, but I thought you might know too.

Thanks,  
Kristien



Kristien Knapp  
Office of Congressional Affairs  
U.S. Environmental Protection Agency  
(202) 564-3277

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Richardson, RobinH[Richardson.RobinH@epa.gov]  
**From:** Aarons, Kyle  
**Sent:** Fri 1/5/2018 8:34:47 PM  
**Subject:** RE: EPA contract documentation request  
[Pallone Definers 1-5-18.pdf](#)

Hi Nancy – Just FYI, we now have a third oversight letter on this topic, attached. We’ll plan to **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thanks,  
Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
202-564-7351

---

**From:** Aarons, Kyle  
**Sent:** Thursday, January 04, 2018 12:37 PM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: EPA contract documentation request

Thanks. We’ve been working with Nancy **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

-Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
202-564-7351

---

**From:** Lyons, Troy  
**Sent:** Wednesday, January 03, 2018 2:52 PM  
**To:** Ringel, Aaron <ringel.aaron@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** FW: EPA contract documentation request

---

**From:** Seiger, Ryan [<mailto:Ryan.Seiger@mail.house.gov>]  
**Sent:** Wednesday, January 3, 2018 2:09 PM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>  
**Cc:** Brain, Michael <Michael.Brain@mail.house.gov>; McCarragher, Ward <Ward.McCarragher@mail.house.gov>; Dedrick, Kathy <Kathy.Dedrick@mail.house.gov>  
**Subject:** RE: EPA contract documentation request

Aaron and Troy:

Per your request, enclosed is a formal request letter from Ranking Member DeFazio seeing additional information on the process that EPA followed in executing its contract with Definers for news analysis and brief service. A hard copy is being mailed today as well.

If you have any questions, please let me know.

Ryan C. Seiger  
Staff Director/Senior Counsel

Subcommittee on Water Resources and Environment  
Committee on Transportation and Infrastructure  
505 Ford House Office Building  
Washington, D.C. 20515  
(202) 225-0060

---

**From:** Lyons, Troy [<mailto:lyons.troy@epa.gov>]  
**Sent:** Monday, December 18, 2017 5:37 PM  
**To:** Seiger, Ryan <[Ryan.Seiger@mail.house.gov](mailto:Ryan.Seiger@mail.house.gov)>  
**Cc:** Ringel, Aaron <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>; Brain, Michael <[Michael.Brain@mail.house.gov](mailto:Michael.Brain@mail.house.gov)>; McCarragher, Ward <[Ward.McCarragher@mail.house.gov](mailto:Ward.McCarragher@mail.house.gov)>; Dedrick, Kathy <[Kathy.Dedrick@mail.house.gov](mailto:Kathy.Dedrick@mail.house.gov)>  
**Subject:** Re: EPA contract documentation request

Ryan:

Formal inquiries help us keep track of the numerous inquiries we receive from both the majority and the minority. We ask for a formal submission for tracking purposes as the inquiry will be assigned to the appropriate staffer. Also, formal requests help us process these requests in the order in which they are received.

We will continue to respond to requests such as TA and others requests through simple emails but ask oversight requests

I don't think Aaron's note implied you all do not have oversight authority, but with energy and commerce being our main committee of jurisdiction we want to ensure they are looped in as they are likely working on a similar request.

Sent from my iPhone

On Dec 18, 2017, at 4:45 PM, Seiger, Ryan <[Ryan.Seiger@mail.house.gov](mailto:Ryan.Seiger@mail.house.gov)> wrote:

Aaron:

On your response to my information request, a few questions...first, it is now EPA policy that routine oversight requests from Committee staff need now be formal letter requests from the Members? Also, is this request for a letter coming from OCIR or from the agency at large?

Can you also provide me with a basis for your claim that the Committee on Transportation and Infrastructure does not have independent oversight jurisdiction over EPA?

Finally, on these apparent new rules, do they apply both to the T and I majority and the minority? Are there any other oversight processes that have been put in place this year that we need to be aware of?

Ryan C. Seiger

Subcommittee on Water Resources and Environment

(202) 225-0060

On Dec 18, 2017, at 2:42 PM, Ringel, Aaron <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)> wrote:

Hey Ryan, could you please put your request in an official letter? Additionally, have you coordinated with E&C on this? I believe EPA oversight resides within their committee's jurisdiction.

Best,

-Aaron

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Julia Cotrone  
**Sent:** Tue 10/10/2017 4:33:43 PM  
**Subject:** Definers/EPA

Hi Nancy,  
I just wanted to check in and make sure you arnt waiting on any information from us to move forward. Please let me know if there is anything I can do to help on our end.

Thanks!

--

**Julia Cotrone**

O: 571.290.5461 | C: Personal Phone / Ex. 6

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Walker, Denise  
**Sent:** Wed 12/20/2017 10:41:17 PM  
**Subject:** RE: FOIA online reports

Back from meetings. Looking now.

---

**From:** Grantham, Nancy  
**Sent:** Wednesday, December 20, 2017 3:03 PM  
**To:** Walker, Denise <Walker.Denise@epa.gov>  
**Subject:** RE: FOIA online reports

Is this what the reporter can pull as well?

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

---

**From:** Walker, Denise  
**Sent:** Wednesday, December 20, 2017 2:39 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** RE: FOIA online reports

Nancy:

Here is the full report.

Thanks! Let me know if you need anything else.

Denise

---

**From:** Walker, Denise  
**Sent:** Wednesday, December 20, 2017 2:33 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** RE: FOIA online reports

Let me run them again and just run Blutstein – I think I’m missing the Allan L. Blutstein requests...

Denise

---

**From:** Walker, Denise  
**Sent:** Wednesday, December 20, 2017 2:28 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** FOIA online reports

Nancy:

Here are two reports

- 1) All the Allan Blutstein requests
- 2) All the requests and tasks associated with them (may be useful to see where they are in processing)

Denise A. Walker  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7308A WJCN  
Office: 202-564-6520



**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Walker, Denise  
**Sent:** Wed 12/20/2017 7:39:00 PM  
**Subject:** RE: FOIA online reports  
All Blutstein FOIA requests 12202017.xls

Nancy:

Here is the full report.

Thanks! Let me know if you need anything else.

Denise

---

**From:** Walker, Denise  
**Sent:** Wednesday, December 20, 2017 2:33 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** RE: FOIA online reports

Let me run them again and just run Blutstein – I think I’m missing the Allan L. Blutstein requests...

Denise

---

**From:** Walker, Denise  
**Sent:** Wednesday, December 20, 2017 2:28 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** FOIA online reports

Nancy:

Here are two reports

- 1) All the Allan Blutstein requests
- 2) All the requests and tasks associated with them (may be useful to see where they are in processing)

Denise A. Walker  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7308A WJCN  
Office: 202-564-6520  
EPA Cell: Personal Phone / Ex. 6

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** McCluney, Lance[McCluney.Lance@epa.gov]  
**From:** Quarles, Michael  
**Sent:** Tue 12/5/2017 5:02:25 PM  
**Subject:** SOW from TechMIS  
EPA Media Support - News Analysis Service (68HE0H18B0002).pdf

Hi Nancy,

**Deliberative Process / Ex. 5**

Please tell me what you think.

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970



**From:** jcotrone@definerscorp.com  
**Location:** Nonresponsive Conference Code / Ex. 5  
**Importance:** Normal  
**Subject:** Invitation: EPA/Definers Onboarding Call @ Wed Dec 20, 2017 2pm - 3pm (grantham.nancy@epa.gov)  
**Start Time:** Wed 12/20/2017 7:00:00 PM  
**End Time:** Wed 12/20/2017 8:00:00 PM  
**Required Attendees:** Grantham, Nancy; wschenkel@definerscorp.com; wsouthworth@definerscorp.com; mhess@definerscorp.com; mchenderlin@definerscorp.com; jpounder@definerscorp.com

[invite.ics](#)

**Required Attendees:** Grantham, Nancy; wschenkel@definerscorp.com; wsouthworth@definerscorp.com; mhess@definerscorp.com; mchenderlin@definerscorp.com; jpounder@definerscorp.com

[more details »](#)

### EPA/Definers Onboarding Call

Nonresponsive Conference Code / Ex. 5

**When** Wed Dec 20, 2017 2pm – 3pm Eastern Time

**Where**

Nonresponsive Conference Code/ Ex. 6

[map](#))

**Calendar** grantham.nancy@epa.gov

**Who**

- jcotrone@definerscorp.com - organizer
- Grantham.Nancy@EPA.gov
- wschenkel@definerscorp.com
- wsouthworth@definerscorp.com
- mhess@definerscorp.com
- mchenderlin@definerscorp.com
- jpounder@definerscorp.com

Going?[Yes](#) - [Maybe](#) - [Nomore options](#) »

Invitation from [Google Calendar](#)

You are receiving this email at the account grantham.nancy@epa.gov because you are subscribed for invitations on calendar grantham.nancy@epa.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

**Required Attendees:** Grantham, Nancy; wschenkel@definerscorp.com; wsouthworth@definerscorp.com; mhess@definerscorp.com; mchenderlin@definerscorp.com; jpounder@definerscorp.com

**Organizer:** jcotrone@definercorp.com : jcotrone@definercorp.com  
**Subject:** EPA/Definers Onboarding Call  
**Location:** Nonresponsive Conference code / Ex. 6  
**Start Time:** Wed 12/20/2017 7:00:00 PM  
**End Time:** Wed 12/20/2017 8:00:00 PM  
**Attendees:** Grantham.Nancy@EPA.gov : grantham.nancy@epa.gov,  
wschenkel@definercorp.com, wschenkel@definercorp.com,  
jcotrone@definercorp.com, jcotrone@definercorp.com,  
wsouthworth@definercorp.com, wsouthworth@definercorp.com,  
mhess@definercorp.com, mhess@definercorp.com,  
mchenderlin@definercorp.com, mchenderlin@definercorp.com,  
jpounder@definercorp.com, jpounder@definercorp.com

Nonresponsive Conference code / Ex. 6

-----  
Please do not edit this section of the description.

View your event at

**Nonresponsive Conference code / Ex. 6**

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**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Knapp, Kristien[Knapp.Kristien@epa.gov]  
**From:** Aarons, Kyle  
**Sent:** Wed 1/24/2018 9:18:13 PM  
**Subject:** Definers contract documents for CBI review  
Definers contract documents with proposed redactions for CBI review.pdf

Hi Nancy – As part of our response to congress about the Definers contract, we are planning to send a set of documents from OAM relating to the contract. The set may contain Confidential Business Information (CBI) that Definers would not want to release (most notably, cost breakdowns). We have proposed redactions in the attached set – Would it be possible for you to get this to Definers to ask if they are claiming anything else as CBI?

We are aiming to release these on Monday.

Thanks,  
Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
202-564-7351

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** McCluney, Lance[McCluney.Lance@epa.gov]  
**From:** Quarles, Michael  
**Sent:** Mon 12/4/2017 10:01:57 PM  
**Subject:** Contract Issues

Hi Nancy,

I sent Tamika an email regarding Go Big Media. She hasn't responded yet but will let you know as soon as I hear something.

# Deliberative Process / Ex. 5

Sorry, I am able to provide you with more concrete information but will try again on both accounts first thing in the morning. Also, I will reach out to OP regarding Politico.

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** McCluney, Lance[McCluney.Lance@epa.gov]  
**From:** Quarles, Michael  
**Sent:** Mon 12/4/2017 3:25:07 PM  
**Subject:** RE: Link to Procurement Announcement

Hi Nancy,

I don't but will set up one. Hopefully, it will be up and running this morning.

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970

---

**From:** Grantham, Nancy  
**Sent:** Monday, December 04, 2017 10:22 AM  
**To:** Quarles, Michael <Quarles.Michael@epa.gov>  
**Subject:** FW: Link to Procurement Announcement

Michael,

Do you have a password/access to fedbiz so we can fully see what was posted in terms of requirements? Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

---

**From:** Lynn, Tricia  
**Sent:** Monday, December 04, 2017 10:08 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Link to Procurement Announcement

Hi Nancy—  
Here's the link to the Definers notice on FedBizOpps. It links to FedConnect as well, but you have to search for it and the site doesn't provide a link to the specific entry, even once you've searched. In any case, it doesn't say much more than the FBO link:

[https://www.fbo.gov/index?s=opportunity&mode=form&id=479f24101a13dd3ab53e37f06c231a4f&tab=core&\\_cview=0](https://www.fbo.gov/index?s=opportunity&mode=form&id=479f24101a13dd3ab53e37f06c231a4f&tab=core&_cview=0)

Also, I wanted to ask...

In Donna's last email she said:

# Deliberative Process / Ex. 5

The point, for us, is that this isn't adequate, right? In other words, 

Deliberative Process / Ex. 5

 from Definers?

---

Tricia Lynn  
Office of Public Affairs  
U.S. EPA  
Office: 202.564.2615

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Valentine, Julia  
**Sent:** Mon 12/18/2017 2:28:28 PM  
**Subject:** Clips

Hi Nancy, I'm compressed today.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Personal Matters / Ex. 6**

Julia P. Valentine  
EPA Office of Public Affairs  
202.564.2663

**To:** Knapp, Kristien[Knapp.Kristien@epa.gov]  
**Cc:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 8/7/2018 1:17:15 AM  
**Subject:** Re: Definers letter

Deliberative Process / Ex. 5

Sent from my iPhone

On Aug 6, 2018, at 4:42 PM, Knapp, Kristien <Knapp.Kristien@epa.gov> wrote:

Hi Nancy –

Deliberative Process / Ex. 5. Let us know if you want to discuss further with us, or if we can help with drafting.

Thanks,  
Kristien

Kristien Knapp  
Legislative and Oversight Counsel  
Office of Congressional Affairs  
U.S. Environmental Protection Agency  
(202) 564-3277

<2018-06-19 Definers June Letter.pdf>



**To:** Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Thur 6/7/2018 10:12:37 PM  
**Subject:** FW: Bulletin Intelligence Info for testing  
EPA Statement of Work 4.16.18.BF.docx

As discussed .. will also send you the definers sow

You may also want to ask emily in region 1 for their key words list – while some may be region specific – could be helpful starting point

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

---

**From:** Greg D'Andrea [mailto:Greg.DAndrea@cision.com]  
**Sent:** Tuesday, April 17, 2018 10:59 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Re: Bulletin Intelligence Info for testing

Hi Nancy,

Attached please find the SOW and a brief note from the Bulletin team. I'd like to schedule a time to walk through it in the next few days - let me know if any day this or next week would work!

**Greg D'Andrea**  
Account Director  
p 203.506.7178  
[greg.dandrea@cision.com](mailto:greg.dandrea@cision.com)



---

**From:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Sent:** Thursday, April 12, 2018 9:04 AM  
**To:** Greg D'Andrea  
**Subject:** RE: Bulletin Intelligence Info for testing

Yes .. if you could send sow that would be great thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

---

**From:** Greg D'Andrea [mailto:Greg.DAndrea@cision.com]  
**Sent:** Thursday, April 12, 2018 9:03 AM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Subject:** Re: Bulletin Intelligence Info for testing

Hi Nancy - I know things are probably hectic there, but just looking to get next steps to move forward with Bulletin. Would love to hear feedback from the team, but also want to be cognizant of your time. Would it make sense to **send you an SOW based on the sample** we sent a week ago?

Let me know!

Greg D'Andrea  
Account Director  
p 203.506.7178  
[greg.dandrea@cision.com](mailto:greg.dandrea@cision.com)

**CISION**

---

**From:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Sent:** Monday, April 9, 2018 2:58:36 PM

**To:** Greg D'Andrea

**Subject:** RE: Bulletin Intelligence Info for testing

Will check with folks

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6 (mobile)**

---

**From:** Greg D'Andrea [<mailto:Greg.DAndrea@cision.com>]

**Sent:** Monday, April 09, 2018 2:54 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Subject:** Re: Bulletin Intelligence Info for testing

Hi Nancy! I wanted to see if we can arrange a call to discuss the Bulletin report from last Thursday. I'd like to get everyone's feedback while it's still fresh in their minds - do you have any availability this week?

Let me know!

Greg D'Andrea  
Account Director  
p 203.506.7178  
[greg.dandrea@cision.com](mailto:greg.dandrea@cision.com)

**CISION**

**From:** Greg D'Andrea  
**Sent:** Wednesday, April 4, 2018 1:00:19 PM  
**To:** Grantham, Nancy  
**Subject:** Re: Bulletin Intelligence Info for testing

Thanks Nancy!

Greg D'Andrea  
Account Director  
p 203.506.7178  
[greg.dandrea@cision.com](mailto:greg.dandrea@cision.com)

**CISION**

---

**From:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Sent:** Wednesday, April 4, 2018 12:58:40 PM  
**To:** Greg D'Andrea  
**Cc:** Grantham, Nancy  
**Subject:** RE: Bulletin Intelligence Info for testing

Here they are:

[Grantham.nancy@epa.gov](mailto:Grantham.nancy@epa.gov)  
[Drinkard.andrea@epa.gov](mailto:Drinkard.andrea@epa.gov)  
[Konkus.john@epa.gov](mailto:Konkus.john@epa.gov)  
[Bowman.liz@epa.gov](mailto:Bowman.liz@epa.gov)  
[Darwin.veronica@epa.gov](mailto:Darwin.veronica@epa.gov)  
[Gray.david@epa.gov](mailto:Gray.david@epa.gov)  
[Debell.kevin@epa.gov](mailto:Debell.kevin@epa.gov)  
[Richard.robin@epa.gov](mailto:Richard.robin@epa.gov)  
[Wooden-aguilar.helena@epa.gov](mailto:Wooden-aguilar.helena@epa.gov)  
[Sauerhage.maggie@epa.gov](mailto:Sauerhage.maggie@epa.gov)

7 a.m. would be the best time.

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

---

**From:** Greg D'Andrea [<mailto:Greg.DAndrea@cision.com>]  
**Sent:** Tuesday, April 03, 2018 4:13 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** Re: Bulletin Intelligence Info for testing

Added. Do you have the names for the distribution and the time it should be sent on Thursday?

Greg D'Andrea  
Account Director  
p 203.506.7178  
[greg.dandrea@cision.com](mailto:greg.dandrea@cision.com)  
CISION

---

**From:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Sent:** Monday, April 2, 2018 7:01:28 AM  
**To:** Greg D'Andrea  
**Subject:** RE: Bulletin Intelligence Info for testing

Should have had Inside EPA on the list as well .. please add.

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6	<b>(mobile)</b>
------------------------	-----------------

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**From:** Grantham, Nancy  
**Sent:** Friday, March 30, 2018 12:12 PM  
**To:** Greg D'Andrea <[Greg.DAndrea@cision.com](mailto:Greg.DAndrea@cision.com)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** Bulletin Intelligence Info for testing

Greg,

Please see below for the basic lists. Obviously, as issues arise and key initiatives are launched, these would have additions.

Working on getting you the time and the names for the April 5<sup>th</sup> sample run.

Enjoy the weekend.

Thanks ng

#### **Outlets**

AP  
Agri-Pulse  
Argus Media  
Axios  
Bloomberg  
Bloomberg BNA (Environment)  
Boston Globe  
Breitbart  
Business Insider  
CNN  
Chicago Tribune

Christian Science Monitor  
The Daily Caller  
E&E News  
Financial Times  
Forbes  
Fox News  
The Guardian  
The Hill  
Hot Air  
Independent Journal Review  
LA Times  
Law 360  
Mother Jones  
Morning Consult  
NPR  
NTK Network  
NY Times  
The Oklahoman  
PJ Media  
Politico  
Reuters  
Scientific American  
The Intercept  
The Oklahoman  
Tulsa World  
USA Today  
Wall Street Journal  
Washington Examiner  
Washington Post  
Washington Times  
Google News Keywords– EPA, Environmental Protection Agency, Scott Pruitt

**News stories relevant to EPA’s mission, and, at a minimum, shall include the following topic areas (when combined with EPA key word)**

Administrator Pruitt  
Air  
Brownfields/Superfund/Other cleanups  
Budget  
Climate Change  
Emergency Response  
Energy  
Enforcement  
Environmental Justice  
EPA  
Grants  
Hazardous waste  
International environmental agreements and disputes  
Pesticides  
Research and Development  
Rules/Regulations/Policy  
Toxics/TSCA  
Trash/recycling/composting/solid waste  
Tribal environmental issues  
Water

Waters of the US  
Deregulation  
Lead Poisoning  
Lead Pipes  
State Implementation Plans  
Water Infrastructure Finance and Innovation Program  
Clean Water State Revolving Fund  
Drinking Water State Revolving Fund  
Drinking Water  
EPCRA/CERCLA  
Farm Act  
Flint Drinking Water Crisis  
East Chicago Superfund Site  
West Lake Landfill Superfund Site  
Minden, WVA PCB contamination  
Steam Electric ELG  
Clean Power Plan  
Mid-term Evaluation for light duty vehicles  
New Source Review (NSR)  
Waste E-Manifest  
Clean Air Act Implementation Plans  
Combined Coal Ash Residual (CCR)  
Regulatory Reform  
Hurricane Harvey  
Hurricane Maria  
California Wildfires  
Asbestos  
Pesticides  
Regulatory Rollback

### **ample Intern Pull for 3/29**

### **Fuel Economy Standards**

[Politico - California regulator gets meeting with EPA air chief ahead of expected battle over car rules](#)

[E&E Climatewire - Wehrum, Nichols huddle ahead of high-stakes auto decision](#)

[Washington Examiner - Conservative groups urge Scott Pruitt to block California from setting own car pollution rules](#)

[Washington Examiner - EPA pressed to slow down on rolling back Obama-era vehicle fuel standards](#)

[The Conversation - Why EPA's U-turn on auto efficiency rules gives China the upper hand](#)

[The Hill - Trump administration picks new fight with California](#)

[Reuters - U.S. high-octane gasoline demand may drop if fuel efficiency rules change](#)

[Washington Post - Trump officials prepare to undo fuel-efficiency targets despite some automakers' misgivings](#)

### **Administrator Pruitt's Housing**

[ABC News - EXCLUSIVE: More Cabinet trouble for Trump? EPA chief lived in condo tied to lobbyist 'power couple'](#)

[Politico - Pruitt's landlord's spouse was also campaign donor](#)

[Washington Examiner - Scott Pruitt rented a condo co-owned by wife of energy lobbyist: Report](#)

[The Hill - Pruitt lived in condo co-owned by energy lobbyist's wife: report](#)

## **Climate Talking Points**

[Daily Caller - HuffPo's 'Scoop' On EPA's Climate Change Talking Points Was A Nothingburger](#)

[CNN - EPA talking points downplay role of human activity in climate change](#)

[The Hill - Internal EPA memo tells staffers how to downplay climate change](#)

[Washington Post - EPA staffers get talking points playing down human role in climate change](#)

## **Campaign Against Administrator Pruitt**

[Washington Examiner - Environmental groups aim to 'boot' Scott Pruitt over 'wasteful spending' at EPA](#)

[E&E Climatewire - Greens push Pruitt to quit in big letters](#)

[Washington Post - Enough is enough. Scott Pruitt needs to go. \(\\*Opinion\)](#)

## **Superfund**

[The Intercept - Trump's Nominee to Oversee Superfund Program Spent Decades Fighting EPA Cleanups On Behalf of Polluters](#)

[Reuters - Panel to weigh MDL treatment for Gold King Mine spill cases](#)

## **Litigation**

[BNA - Outcome of EPA Rule Delay Case Could Upset Trump Deregulatory Plan](#)

[BNA - Advocates Urge EPA to Go Big in Court-Ordered Chemical Spill Rule](#)

## **General**

[The Hill - EPA pushes informal policy to deal with polluters outside courts](#)

[Politico - EPA reinstates pay caps for staffers on hurricane duty after DHS ends 'surge' program](#)

[BNA - Chemical Makers Worry Steep New EPA Fees Could Stifle Innovation](#)

[Reuters - Exclusive: Trump advisers urge him to leave biofuel reforms to Congress - sources](#)

[E&E Greenwire - 5 things to know about EPA rollback of Obama rules](#)

[Politico - Stepp recused from major air decision affecting Foxconn plant in Wisconsin](#)

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**(mobile)**

Personal Phone / Ex. 6



**To:** Yaeger, Ryan[Yaeger.Ryan@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Fri 6/29/2018 1:25:24 PM  
**Subject:** RE: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

Thanks

Nancy Grantham  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)  
Personal Phone / Ex. 6 (mobile)

-----Original Message-----

From: Yaeger, Ryan  
Sent: Friday, June 29, 2018 8:15 AM  
To: Grantham, Nancy <Grantham.Nancy@epa.gov>  
Subject: RE: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

## Deliberative Process / Ex. 5

-----Original Message-----

From: Grantham, Nancy  
Sent: Thursday, June 28, 2018 6:00 PM  
To: White, Elizabeth <white.elizabeth@epa.gov>  
Cc: Walker, Denise <Walker.Denise@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
Subject: RE: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

**Deliberative Process / Ex. 5** Thanks ng

Nancy Grantham  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)  
Personal Phone / Ex. 6 (mobile)

-----Original Message-----

From: White, Elizabeth  
Sent: Tuesday, June 26, 2018 9:49 AM  
To: Grantham, Nancy <Grantham.Nancy@epa.gov>  
Subject: FW: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

## Deliberative Process / Ex. 5

Beth White  
Director, Office of the Executive Secretariat U.S. Environmental Protection Agency  
(202) 564-1781 direct  
cell

Personal Phone / Ex. 6

-----Original Message-----

From: Burke, Marcella

Sent: Tuesday, June 26, 2018 8:59 AM

To: Miller, Kevin <Miller.Kevin@epa.gov>

Cc: White, Elizabeth <white.elizabeth@epa.gov>

Subject: Re: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US  
DIS DCD 1:18cv1497

## **Attorney Client / Ex. 5**

Sent from my iPhone

> On Jun 26, 2018, at 8:29 AM, Miller, Kevin <Miller.Kevin@epa.gov> wrote:

>

## **Attorney Client / Ex. 5**

>

> Kevin Miller | US EPA | Office of General Counsel | 1200 Pennsylvania

> Ave., NW | WJC North, Mail Code 2377A | Washington DC 20460 | phone:

> (202) 564-2691 <Court\_Document\_US\_DIS\_DCD\_1.18cv1497\_06.25.2018.pdf>

> <Courtlink\_Docket\_US\_DIS\_DCD\_1.18cv1497\_06.25.2018.htm>

**To:** Knapp, Kristien[Knapp.Kristien@epa.gov]; Aarons, Kyle[Aarons.Kyle@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 6/19/2018 10:13:18 PM  
**Subject:** FW: Definers Corp. contract?

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6 (mobile)**

**From:** Kevin Bogardus [mailto:kbogardus@eenews.net]  
**Sent:** Tuesday, June 19, 2018 5:20 PM  
**To:** Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>  
**Subject:** Definers Corp. contract?

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a story about Sens. Whitehouse and Harris' letter to Administrator Pruitt about the Definers Corp. contract. Does EPA have any response to this letter?

Please get back to me as soon as possible. My deadline is 8 pm EST tonight but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

**Kevin Bogardus**  
E&E News reporter  
[kbogardus@eenews.net](mailto:kbogardus@eenews.net)  
202-446-0401 (p)  
**Personal Phone / Ex. 6**  
202-737-5299 (f)

Follow me [@KevinBogardus](#)

**E&E NEWS**  
122 C Street, NW, Suite 722, Washington, DC 20001  
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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM

**From:** Davidson, Richard (Whitehouse) [mailto:Richard\_Davidson@whitehouse.senate.gov]  
**Sent:** Tuesday, June 19, 2018 4:24 PM  
**To:** Davidson, Richard (Whitehouse) <Richard\_Davidson@whitehouse.senate.gov>  
**Subject:** RELEASE: Whitehouse, Harris Press Pruitt on EPA Political Appointees Steering No-Bid Contract to GOP Firm

**FOR IMMEDIATE RELEASE**  
**June 19, 2018**

**Contact:**  
**Rich Davidson (Whitehouse), 202-228-6291**  
**Tyrone Gayle (Harris), 202-897-6212**

**Whitehouse, Harris Press Pruitt on EPA Political Appointees Steering No-Bid Contract to GOP Firm**

*Washington, DC* – Senators Sheldon Whitehouse (D-RI) and Kamala Harris (D-CA) asked Environmental Protection Agency (EPA) head Scott Pruitt to explain why political appointees apparently initiated a no-bid, federal contract with Definers Public Affairs, a company that shares leadership, staff, and an address with America Rising, a political action committee that funded a campaign to confirm Pruitt as EPA Administrator.

The Senators point to EPA documents and Senate investigators’ interviews with EPA staff that show it was President Trump’s EPA beachhead team that canceled the contract with the previous media-monitoring vendor, and that it was EPA’s public affairs team – many of them political appointees – that pointed career staff toward contracting with Definers. The Senators also note that the EPA’s main justification for awarding the contract—that “Definers offers unique services”—appears to be based on information Definers itself provided to the EPA, and that a range of other vendors offer substantially similar services. The EPA’s justification appears to be a pretext for avoiding competitive bidding for this contract, as well as the suggestion that career staff were told by political staff to hire Definers, it would appear that this contract may be a quid pro quo for America Rising’s support of Pruitt’s confirmation. Such a quid pro quo would violate federal contracting rules.

These issues demand answers, the Senators write.

**“You recently gave an interview in which you stated that you ‘care so much about taxpayer money,’”** the Senators write. **“EPA’s decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures.”**

Following revelations about the Definers contract and questions from Whitehouse and Harris, EPA canceled the \$120,000 contract in December.

America Rising and its affiliates have a long record of providing political support to Pruitt and his work at the EPA. [Documents](#) show America Rising, led by the same opposition research experts at Definers, has been combing EPA records for communications between EPA staff and the news media and Democratic members of Congress. The group coordinated a campaign to ease Scott Pruitt’s confirmation as Administrator that included ads urging Senators to vote for his confirmation and a website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com) (now defunct). America Rising also runs a website called the Need to Know Network that provides favorable coverage to Pruitt’s work at the EPA.

**Full text of the Senators’ letter is below. A PDF copy is available [here](#).**

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Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency’s decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff in a phone call regarding the documents provided in EPA’s April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

#### **I. How was Definers identified as the contractor of choice?**

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a “JOFOC” or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe

that the first email mention of Definers at EPA occurred after Definers had already been chosen. “Definers” is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA’s contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump’s EPA beachhead team because it “wasn’t meeting their needs.” EPA career staff further advised us that your public affairs team first “made [them] aware” of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation (“The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships”) and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) (“Employees shall act impartially and not give preferential treatment to any private organization or individual”).

## **II. Does Definers offer unique services that would justify EPA’s decision to forego competitive bidding for this contract?**

In our December 19 letter, we asked you to explain what “provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers.” In EPA’s April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that “Definers offers unique services” and “[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events.”

Among the documents provided with EPA’s April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following “unique qualifications” that “require” the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer’s areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that “[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA’s Office of Public Affairs.” During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers’ services, particularly its claimed ability to provide clips in “near live-time,” but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision’s clients may also log into their “my coverage” portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision’s representative confirmed that it offers all of the functionalities listed in the JOFOC as “unique” to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer “near live-time” capabilities. According to its website, its dashboard provides links to “24/7 breaking news” of interest to its clients.<sup>[1]</sup> Bulletin Intelligence’s description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage “one minute after it appears – more than 8 times faster than the industry standard” on an “all-in-one platform” that offers “real-time media monitoring.”<sup>[2]</sup> Its description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be “unique” to Definers. These companies include Metro Monitor (“[r]eceive reports of your media coverage as it happens”<sup>[3]</sup>) and Universal Information Services (“[r]eceive scheduled or near real-time e-mail notifications when your stories air”<sup>[4]</sup>).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers’ own representations about its services. The JOFOC description of Definer’s “unique qualifications” appears to have been copied almost verbatim from Definers’ promotional materials. It is replete with words such as “proprietary” and “customers” that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled “[o]ther facts supporting the use of other than full and open competition,” EPA staff wrote:

“Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.”

EPA staff also relied on Definers’ representations with respect to the reasonableness of the services’ cost. The JOFOC states that “the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*” (emphasis added). An email dated November 13, 2017 further states that staff are “still waiting for a bit of information *from Definers* to complete the JOFOC” (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA’s proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA’s willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

1. Who on your team made career staff “aware” of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you “care so much about taxpayer money.”<sup>[5]</sup> EPA’s decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter.

###

- 
- [1] News Analysis, Bulletin Intelligence, <http://www.bulletinintelligence.com/newsanalysis.aspx> (viewed on June 6, 2018)
- [2] Media Monitoring, Critical Mention, <http://www.criticalmention.com/media-monitoring/> (viewed on June 6, 2018).
- [3] Media Monitor Pro, Metro Monitor, <https://metromonitor.com/services/media-monitor-pro/> (viewed on June 6, 2018)
- [4] Services, Universal Information Services, <https://universal-info.com/services/> (viewed on June 6, 2018)
- [5] Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), [https://www.eenews.net/greenwire/stories/1060083117/most\\_read](https://www.eenews.net/greenwire/stories/1060083117/most_read)

**To:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Thur 4/26/2018 9:21:24 PM  
**Subject:** RE: Definers Letters

**Deliberative Process / Ex. 5**

thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

**Personal Phone / Ex. 6** **(mobile)**

---

**From:** Aarons, Kyle  
**Sent:** Thursday, April 26, 2018 12:32 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** RE: Definers Letters

Hi Nancy – I just put the 8 letters on your desk to route to Liz for signature.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thanks,  
Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
202-564-7351

---

**From:** Yaeger, Ryan  
**Sent:** Wednesday, April 25, 2018 4:04 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Cc:** Aarons, Kyle <Aarons.Kyle@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>  
**Subject:** Definers Letters

Nancy:

Attached are the Definers responses for signature.

**Deliberative Process / Ex. 5**

Thanks–

Ryan



**Cc:** Palich, Christian[palich.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Burke, Marcella[burke.marcella@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Patrick, Kimberly[Patrick.Kimberly@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Legare, Pamela[Legare.Pamela@epa.gov]  
**To:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Wed 5/9/2018 8:58:30 PM  
**Subject:** Re: Call with Senate staff on Definers Public Affairs

Thx

Sent from my iPhone

> On May 9, 2018, at 4:57 PM, Aarons, Kyle <Aarons.Kyle@epa.gov> wrote:

>

> Hi all – **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

>

> Thank you,

> Kyle

> <Whitehouse 4-27-18 (Definers).pdf>

> <Definers contract documents 4-27-18.pdf>

> <Whitehouse News Analysis 12-19-17.pdf>

> <meeting.ics>

**To:** White, Elizabeth[white.elizabeth@epa.gov]  
**Cc:** Walker, Denise[Walker.Denise@epa.gov]; Yaeger, Ryan[Yaeger.Ryan@epa.gov]; Creech, Christopher[Creech.Christopher@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 6/26/2018 1:55:19 PM  
**Subject:** RE: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

## Deliberative Process / Ex. 5

Thanks ng

Nancy Grantham  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)  
Personal Phone / Ex. 6 (mobile)

-----Original Message-----

From: White, Elizabeth  
Sent: Tuesday, June 26, 2018 9:49 AM  
To: Grantham, Nancy <Grantham.Nancy@epa.gov>  
Subject: FW: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

## Deliberative Process / Ex. 5

Beth White  
Director, Office of the Executive Secretariat U.S. Environmental Protection Agency  
(202) 564-1781 direct  
Personal Phone / Ex. 6 cell

-----Original Message-----

From: Burke, Marcella  
Sent: Tuesday, June 26, 2018 8:59 AM  
To: Miller, Kevin <Miller.Kevin@epa.gov>  
Cc: White, Elizabeth <white.elizabeth@epa.gov>  
Subject: Re: New FOIA litigation -- Food & Water Watch v. U.S. Environmental Protection Agency, US DIS DCD 1:18cv1497

## Attorney Client / Ex. 5

Sent from my iPhone

> On Jun 26, 2018, at 8:29 AM, Miller, Kevin <Miller.Kevin@epa.gov> wrote:  
>

# Attorney Client / Ex. 5

>  
> Kevin Miller | US EPA | Office of General Counsel | 1200 Pennsylvania  
> Ave., NW | WJC North, Mail Code 2377A | Washington DC 20460 | phone:  
> (202) 564-2691 <Court\_Document\_US\_DIS\_DCD\_1.18cv1497\_06.25.2018.pdf>  
> <Courtlink\_Docket\_US\_DIS\_DCD\_1.18cv1497\_06.25.2018.htm>

**To:** Rementer, Nicole[rementer.nicole@epa.gov]; Yaeger, Ryan[Yaeger.Ryan@epa.gov]; Creech, Christopher[Creech.Christopher@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Thur 2/8/2018 12:24:17 AM  
**Subject:** RE: E&C Pallone QFR on Definers Contract

Thanks

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

**From:** Rementer, Nicole  
**Sent:** Wednesday, February 07, 2018 11:18 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** RE: E&C Pallone QFR on Definers Contract

Typical lawyer's response—

Attorney Client / Ex. 5

**Attorney Client / Ex. 5**

**Nicole M. Rementer**  
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)  
U.S. Environmental Protection Agency | Office of General Counsel  
7426NN WJCN | 202.564.3692

**From:** Grantham, Nancy  
**Sent:** Wednesday, February 07, 2018 11:04 AM  
**To:** Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** FW: E&C Pallone QFR on Definers Contract

See below – Ryan is dealing with this through ocir oversight – so good connection with foia – as we expected.

To my knowledge, 

Attorney Client / Ex. 5

 can we confirm that ?

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

**From:** Bowman, Liz  
**Sent:** Wednesday, February 07, 2018 10:44 AM  
**To:** Ringel, Aaron <ringel.aaron@epa.gov>  
**Cc:** Lyons, Troy <lyons.troy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** RE: E&C Pallone QFR on Definers Contract

Fine with me, but looping in Nancy and Jahan to confirm.

**From:** Ringel, Aaron  
**Sent:** Wednesday, February 7, 2018 10:39 AM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>  
**Subject:** E&C Pallone QFR on Definers Contract

Liz/Troy,

Ranking Member Pallone asked for a copy of the contract with Definers along with the scope of work in his questions for the record after the Administrators 12/7 hearing (question/response below). Have we provided this elsewhere or has it been released as part of a FOIA possibly?

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thoughts?

33. PALLONE: Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

**Response:**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

---

**Aaron E. Ringel**

*Deputy Associate Administrator*

*Office of Congressional & Intergovernmental Relations*

*U.S. Environmental Protection Agency*

W: 202.564.4373

[Ringel.Aaron@epa.gov](mailto:Ringel.Aaron@epa.gov)

**To:** Frye, Tony (Robert)[frye.robert@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 1/2/2018 5:11:55 PM  
**Subject:** Fwd: Definers info per our discussion  
[Document1.docx](#)  
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Date:** January 2, 2018 at 7:47:46 AM EST  
**To:** "Aarons, Kyle" <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>  
**Cc:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>, "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>, "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>  
**Subject:** Definers info per our discussion

Please see attached and let me know if	<b>Deliberative Process / Ex. 5</b>
<b>Deliberative Process / Ex. 5</b>	

Thanks ng

**To:** Julia Cotrone[jcotrone@definerscorp.com]; Scott Cotter[scotter@definerscorp.com]  
**From:** Grantham, Nancy  
**Sent:** Tue 1/30/2018 7:09:56 PM  
**Subject:** RE: FW: Definers contract documents for CBI review

Thanks .. please let me know ..thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

**From:** Julia Cotrone [mailto:jcotrone@definerscorp.com]  
**Sent:** Tuesday, January 30, 2018 2:09 PM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Scott Cotter <scotter@definerscorp.com>  
**Subject:** Re: FW: Definers contract documents for CBI review

Adding Scott

On Mon, Jan 29, 2018 at 12:10 PM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:  
Hi Julia,

Please see below and attached and let me know if there is anything further that you would claim as CBI – confidential business information.

Thanks

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

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**From:** Aarons, Kyle  
**Sent:** Wednesday, January 24, 2018 4:18 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Knapp, Kristien <[Knapp.Kristien@epa.gov](mailto:Knapp.Kristien@epa.gov)>  
**Subject:** Definers contract documents for CBI review

Hi Nancy – As part of our response to congress about the Definers contract, we are planning to send a set of documents from OAM relating to the contract. The set may contain Confidential Business Information (CBI) that Definers would not want to release (most notably, cost breakdowns). We have proposed redactions in the attached set – Would it be possible for you to get this to Definers to ask if they are claiming anything else as CBI?

We are aiming to release these on Monday.

Thanks,  
Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
[202-564-7351](tel:202-564-7351)

--

**Julia Cotrone**

O: 571.290.5461

Personal Phone / Ex. 6

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 12/4/2017 3:10:09 PM  
**Subject:** FW: Updated Docs for PR-OA-17-00132 NEWS SVC

Need to discuss with you .. we may have a problem here. thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Deliberative Process / Ex. 5 (mobile)

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**From:** Dews, Donna

**Sent:** Monday, December 04, 2017 8:49 AM

**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Gosnell, Jody <Gosnell.Jody@epa.gov>

**Cc:** Lynn, Tricia <lynn.tricia@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>

**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Good morning

I have meeting with Rayna Brown, Manager at 11:30aam regarding next steps after Special Notice was sent to public of intent to sole source:

Clarification from Manager:

- a) After special notice, which closes December 5, 2017 at 10:20am (dated posted 11/29/17) the post is for 5 days per Contracting Officer direction– Next action
- b) I have one capability statement and 2 emails coming against this being a sole source from companies- I did not ask for a capability statement but I believe your office would have to review

## Deliberative Process / Ex. 5

- c) There is no updated quote (unless it was sent since our last meeting/conversation) that I received from Definers, Corp., I received a cost breakdown and disclosure of cost in Statement of Work – I will find out from Manager if this is adequate instead of a quote which was originally the request

After I find out whether I can go ahead with the award I will let you know. If you have questions, please give me a call directly at 202-564-6752. Thank you.

2

Donna Dews  
Contract Specialist  
US Environmental Protection Agency  
Office of Acquisition Management  
HPOD/Program Contract Service Center  
Washington, DC 20460  
202-564-6752 (DIRECT)  
[Dews.donna@epa.gov](mailto:Dews.donna@epa.gov)



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**From:** Grantham, Nancy  
**Sent:** Friday, December 01, 2017 6:53 PM  
**To:** Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>; Wooden-Aguilar, Helena <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>  
**Subject:** Re: Updated Docs for PR-OA-17-00132 NEWS SVC

Thx

Sent from my iPhone

On Dec 1, 2017, at 6:50 PM, Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)> wrote:

Hello All,

I apologize that you still have not received a response. I have not received an update on whether a request was ever submitted and/or received for an updated quote. However, during the last meeting we had, you asked what the next steps were and one of the next steps mentioned was once we received the final SOW from Tricia (which we did) Donna would need to request an updated quote from the vendor based on that revised SOW. In addition, prior to that meeting when we originally met to discuss the SOW because the original quote we received was basically a capability statement and it did not reference any parts of that SOW, it was stated then that the vendor would need to provide an updated or revised quote based on the any changes in the SOW. Hopefully, Donna can shed some light on whether she has already received the revised quote or an expected date on when she will receive the revised quote. Hope this helps. Jody

*Jody Gosnell  
Contracting Officer/Team Leader  
Headquarters Procurement Operations Division  
Office of Acquisition Management  
Office: (202) 564-4353  
Email: [gosnell.jody@epa.gov](mailto:gosnell.jody@epa.gov)*

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**From:** Grantham, Nancy  
**Sent:** Friday, December 01, 2017 9:50 AM  
**To:** Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>; Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>; Wooden-Aguilar, Helena <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Hi – we have not heard back on this – so are assuming that donna has in fact received what she needs from the vendor – and that if we do not have other vendors who reply to the notice, we will be able to proceed with awarding the contract.

Please let me know the date the 5 day posting expires.

Thanks ng

**Nancy Grantham  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)**

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**From:** Gosnell, Jody  
**Sent:** Thursday, November 30, 2017 9:17 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Nancy,

Donna should already have received either an updated quote or a quote that reflects the revised SOW and that would be good for 30 or 60 days.

Donna can you verify if you have received the information from the vendor? Thanks, Jody

*Jody Gosnell  
Contracting Officer/Team Leader  
Headquarters Procurement Operations Division  
Office of Acquisition Management  
Office: (202) 564-4353  
Email: [gossnell.jody@epa.gov](mailto:gossnell.jody@epa.gov)*

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**From:** Grantham, Nancy  
**Sent:** Thursday, November 30, 2017 9:02 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Right .. I thought they needed to submit a formal quote so wanted to make sure they knew they needed to do within the 5 days.

If that is not the case, that is fine.

Thanks ng

**Nancy Grantham  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)**

Personal Phone / Ex. 6 (mobile)

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**From:** Lynn, Tricia  
**Sent:** Thursday, November 30, 2017 8:58 AM  
**To:** Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Jody—

We still want to receive a quote from them to review their work and see that it meets our needs. We can do that, right?

--Tricia

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**From:** Gosnell, Jody  
**Sent:** Thursday, November 30, 2017 8:56 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Nancy,

I am curious as to why you would need to send it to them. This is a public notice to make sure there are no other vendors out there that can do it. If we don't get any responses then we will prepare the award and send that to the vendor. Typically we don't send it to them but since it is public record then if you want to you can. Jody

*Jody Gosnell  
Contracting Officer/Team Leader  
Headquarters Procurement Operations Division  
Office of Acquisition Management  
Office: (202) 564-4353  
Email: [gosnell.jody@epa.gov](mailto:gosnell.jody@epa.gov)*

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**From:** Grantham, Nancy  
**Sent:** Thursday, November 30, 2017 8:29 AM  
**To:** Dews, Donna <[Dews.Donna@epa.gov](mailto:Dews.Donna@epa.gov)>; Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>; Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** Brown, Rayna <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Are we permitted to send to the potential contractor or will OAM do that?

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6

**(mobile)**

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**From:** Dews, Donna  
**Sent:** Wednesday, November 29, 2017 12:14 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Gosnell, Jody <[Gosnell.Jody@epa.gov](mailto:Gosnell.Jody@epa.gov)>; Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>; Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Subject:** RE: Updated Docs for PR-OA-17-00132 NEWS SVC

Hi Nancy

If you go [www.fbo.gov](http://www.fbo.gov) and search by Environmental Protection Agency: Opportunities you will see Special Notice titled Media Support/News analysis service

[www.fedconnect.net](http://www.fedconnect.net) – public opportunities Media Support/News analysis service